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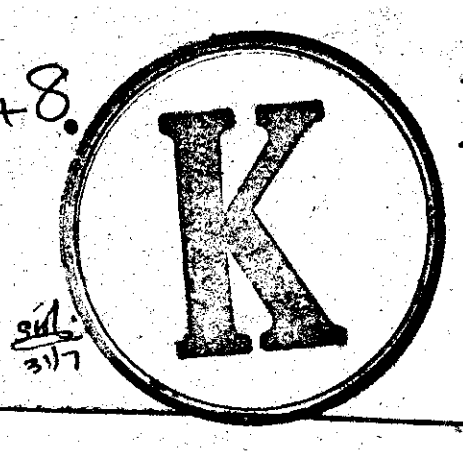

File No. Misc Apts 48

Legal Depl-

C. BRANCH

Subject:— Miscellaneous Appointments.

P6/E

File No. Misc Apts | 48

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Office of the P.L.A.

Special Prosecuters need not be sanctioned only to allay the apprehension that the local prosecuters have sympathy for the accused. That apprehension may with equal force be entertained if special prosecuters who too must be drawn from the same districts. It should be possible for the District Superintendent of Police to select an efficient Police Prosecuter of proved integrity and assign him only for the Anti Corruption work. Entrusting this work to Assistant Public Prosecuters would involve Government in heavy costs; since in addition to their daily fees, the Assistant Public Prosecuters would have to be compensated under the Rules for going outside the Headquarters town which would be required to do if the cases come up before Taluk Magistrates. Besides, a whole-time pre-occupation with Anti Corruption work would make it impossible for the Assistant Public Prosecuter to attend to his normal work in the Sessions Court; and appointments of Additional Assistant Public Prosecuters would become necessary in most districts. There are, moreover, districts where there are already no Assistant Public Prosecuters In these circumstances the Home Department may consider whether it would not be more desirable to assign a Police Prosecutor exclusively to this work.

Sd/-S. Chand
1-4

Remembrancer of Legal Affairs.

U.O. No. H.T., No. 146-Confl, dated the 2nd April 1948.

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Legal Department.

There is no objection to authorize the Government Labour officers to take assistance of the District Government Pleaders or Public Prosecutors in cases in which they have to appear before the Labour and Industrial Courts under the Bombay Industrial Relations Act, 1946. The P.& S.D. should, however, forward a copy of the orders to the District Magistrates for information and necessary action.

Sd/-P.H.Lad
26-5

Secretary to Government.

U.R. to P.& S.D., No. 4540, dated 20th May 1948.

S.A.K.
27/7
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No. RR-524(4)
Government of India,
Ministry of Relief & Rehabilitation.

New Delhi, the 1st March 1948.

To

All Provincial Governments.

Subject:- Rehabilitation of Displaced Legal Practitioners.

Sir,

I am directed to state that the Government of India have been considering the question of rehabilitating legal Practitioners and have so far taken the following measures:-

(i) They have been made eligible for rehabilitation loans up to a maximum of Rs. 3,000/- vide this Ministry letter No. R. & -7/48, dated 20-1-1948.

(ii) The Ministry of Home Affairs have addressed the Provincial Governments suggesting that the Provincial High Courts should be moved to relax their rules so as to enable refuge lawyers to practise in these High Courts and Courts subordinate t them, and also to exempt them from the usual enrolment fees vide to exempt them from the usual enrolment fees vide Ministry of Home Affairs, letter No. 11/11/47-RR (G.O.-B), dated 5th February, 1948.

2. I am now to communicate for the consideration of the Provincial Government the following suggestions which would facilitate rehabilitation of this class:-

(a) The number of Public Prosecutors and Assistant Public Prosecutors in each district might be increased. This would not mean extra cost to Provincial Governments but may involve a decrease in the income of the Prosecutors already appointed in case they are paid on the basis of the number of cases handled by them.

(b) Displaced legal practitioners may be appointed as Receivers and given other work on behalfof Government whereever possible.

3. The Government of ~~United~~ India, hope that the local Bar Associations will readily agree to the sacrifice which the above assistance to displaced lawyers may entail. Thrown into entirely new surroundings, these lawyers will naturally taken time to building up a clientele, and in the initial stages they will also require assistance from the Provincial Governments and their officers. Such legal practitioners as might be employed in the manner suggested would also be entitled to obtain loans as mentioned in para. 1. The local officers of the Provincial Government may be instructed to give them such other help as they may require for establishing themselves in practice at an early date (e.g. in securing residential accommodation).

4. I am to request the Provincial Government to give consideration to the suggestions made in ~~the~~ this letter and to intimate to this Ministry as early as possible the number of refugee legal practitioners whom the Provincial Governments can help to rehabilitate in the above manner.

I have etc. etc.

Sd/-
(N.C.Shrivastava)
Deputy Secretary to the Government of India.

S.A.K./27/7

Copy to :-

1. Ministry of States for favourof addressing the States similarly

2. Ministry of Hemo Affairs.

3. The Chief Commissioner Delhi /Ajmer-Merwara/Coorg.

4. The President, Displaced Lawyers Association, 'P' Block, Kaishina Road, New Delhi

5. Directer Information Bureau.

Sd/-

(J.N.Mathur)

Assistant Secretary to the Government of India.

S.A.K.
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No. 7065
Legal Department.
Bombay Castle. 28th July 1948.

From

P.M.Lad, Esquire, I.C.S.,
Secretary to the Government of Bombay,
Legal Department, BOMBAY.

To

The Deputy Secretary to the Government of India,
Ministry of Relief and Re-habilitation, Rehabilitation,
NEW DELHI.

Sir,

I am directed to invite your attention to your circular letter No. Em. -524(4) dated the 1st March 1948 addressed to all Provincial Governments, and with reference to paragraph 2(a) of the said letter I am to state as under :

2. In each district in the Province of Bombay only one person is appointed to the office of the Public Prosecutor. He is assisted by one or more Assistant Public Prosecutors depending upon the volume of work in the district. While both the Public Prosecutor and the Assistant Public Prosecutor are entitled to a prescribed fee for every day on which they are actually engaged in a criminal court, it is the Public Prosecutor alone who, in addition to the prescribed daily fee, is also entitled to a fixed monthly salary from Government. An increase in the number of Public Prosecutors in each district would, therefore, result, contrary to the assumption made in paragraph 2(a) your letter under reference, in extra cost to the Provincial Government which the volume of Government work in the district would not justify.

3. However, apart from the question of extra cost, the proposal to creat additional posts of Public Prosecutors and Assistant Public Prosecutors is hardly likely to be of substantial benefit to the refugee legal practitioners from Pakistan. In every district, the bulk of Government work, whether civil or criminal, is done by the Government Pleader and the Public

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prosecuter both offices being ordinarily held by one and the same person. The Assistnat Public Prosecuter gets a very limited share of Government work so that his income from that source is also very small and he has to rely mainly on his own private practice for his livelihood. It would be impossible for a refugee lawyer to make both ends meet by sharing with the local Assistant Public Prosecuter the meagre income from Government work. It is extremely doubtful whether he will be able to ever build up a lucrative practice with which he can hope to supplement that income.

4. The language problem would further present an insuperable difficulty in his way. In this Province, Gujarathi, Marathi and Kannada are the three recognised regional languages in which judicial proceedings are conducted in the mofussil. It would be impossible for a refugee lawyer from Pakistan to discharge efficiently his duties as a law officer or as a legal private practitioner unless he has at least a good working knowledge of any one of these regional languages.

5. In view of these difficulties I am directed to inform you that the Government of India's proposal to increase the number of District Public Prosecuters and their Assistants and to appoint refugee lawyers to the new posts is not considered fresh feasible and may not bring about the desired result. I am to add, however, that this Government is alive to the necessity of resettlement of refugee legal practitioners and that their claims will receive due consideration whenever appointments for law officers are to be made particularly in the City of Bombay where the above difficulties may not be so acutely felt.

Yours faithfully,

Sd/-P.M.Lad

Secretary to Government.

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